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Attorney for Petitioner,
MARKELLE NEAL TAYLOR

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

MARKELLE NEAL TAYLOR,)	No. Civ. S-05-0788 MCE GGH P
)	
Petitioner,)	STIPULATION AND ORDER RE
)	FILING OF AMENDED PETITION
v.)	AND MOTION TO HOLD ACTION
)	IN ABEYANCE
TOM CAREY,)	
)	
Respondent.)	

The parties hereby stipulate to the following:

- On November 21, 2005 the court ordered petitioner to file an amended petition and motion to hold action in abeyance pending further exhaustion within 15 days.
- Due to unforeseen delays in scheduling an attorney-client visit at the prison, counsel for petitioner is in need of an additional week in which to file the amended petition and motion. Therefore, both parties agree to a modification of the order, permitting said matters to be filed on or by **December 13, 2005**. Any response to the motion by respondent will be due twenty-one days after the motion is filed; petitioner may file a reply within seven days thereafter.

DATED: December 6, 2005 /s/ Tim Warriner, counsel for petitioner

DATED: December 6, 2005 /s/ Jesse Witt, Deputy Attorney General, for the respondent

ORDER

IT IS HEREBY ORDERED, based upon the stipulation of the parties, that an amended petition and motion to hold action in abeyance pending exhaustion shall be filed on or by December 13, 2005. Any response to said motion shall be due twenty-one days after the motion is filed, and petitioner may file a reply within seven days thereafter. The court will schedule oral argument if it is deemed necessary.

Dated: 12/12/05

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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